

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

DE TECHNOLOGIES, INC.,)	
)	
Plaintiff,)	Civil Action No. 7:04CV00628
)	
v.)	<u>ORDER</u>
)	
DELL, INC.,)	By: Hon. Glen E. Conrad
)	United States District Judge
Defendant.)	

This case is before the court on various motions for summary judgment and partial summary judgment. For the reasons stated in a memorandum opinion filed this day, it is now

ADJUDGED AND ORDERED

as follows:

1. Dell's Motion for Summary Judgment of Non-Infringement Concerning the Transaction Program Limitation shall be and hereby is **DENIED**;
2. Dell's Motion for Partial Summary Judgment of Non-Infringement Concerning the Electronic Record Limitation shall be and hereby is **GRANTED IN PART** and **DENIED IN PART**. Partial summary judgment shall be and hereby is entered in favor of Dell as to all accused transactions in which any of the information required for a commercial invoice is added by third parties or provided by documents not generated by TradeSphere;
3. Dell's Motion for Summary Judgment as to Non-Infringement of Element (b) of the Remaining Asserted Claims of U.S. Pat. No. 6,460,020 shall be and hereby is **GRANTED**;

4. Dell's Motion for Partial Summary Judgment of Non-Infringement as to Dell's U.S. Laptop Online Orders shall be and hereby is **GRANTED**;
5. Dell's Motion for Partial Summary Judgment of Non-Infringement as to Dell's Latin American Online Orders shall be and hereby is **GRANTED IN PART** and **DENIED IN PART**. Partial summary judgment shall be and hereby is granted in favor of Dell as to all accused transactions in which the existence of available funds is confirmed through human intervention. Partial summary judgment shall be and hereby is entered in favor of Dell as to all accused transactions in which the Dell system does not calculate import clearance costs, including duties and taxes;
6. DE Technologies, Inc.'s Motion for Partial Summary Judgment on Anticipation under 35 U.S.C. §102 shall be and hereby is **DENIED**;
7. Dell's Alternative Motion for Partial Summary Judgment of Invalidity under 35 U.S.C. §102(b) shall be and hereby is **DENIED**;
8. DE's Technologies, Inc.'s Motion for Partial Summary Judgment of No Inequitable Conduct shall be and hereby is **DENIED**;
9. Dell's Cross-Motion for Summary Judgment that the Patents In Suit are Unenforceable for Inequitable Conduct shall be and hereby is **DENIED**.

The Clerk is directed to send a certified copy of this order and the attached memorandum opinion to all counsel of record.

ENTER: This 9th day of April, 2007.



United States District Judge